

particular, claims 1 and 8-12 have been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 since it is not disclosed in continuation-in-part application 09/151,270, filed on September 11, 1998. The inventions of claims 1 and 8-12 of the present application were constructively reduced to practice on January 31, 2001, the filing date of U.S. Provisional Patent Application No. 60/265,538 (“the ‘538 application”) from which the present application claims priority.

As evidenced by the attached Declaration of inventor Shawn Cornelius, the disclosure corresponding to the ‘538 application was conceived prior to January 18, 2001 and was made available to the undersigned’s law firm Brinks Hofer Gilson & Lione prior to January 18, 2001. As evidenced by the attached Declaration signed by the undersigned, the disclosure corresponding to the ‘538 application that was made available to the undersigned’s law firm prior to January 18, 2001 was worked on by at least one attorney at the undersigned’s law firm at least six times from January 18, 2001 to the January 31, 2001 filing date of the ‘538 application during the preparation of the ‘538 application. Thus, due diligence in constructively reducing to practice the inventions of claims 1 and 8-12 has been established.

Since 1) the inventions of claims 1 and 8-12 were conceived prior to January 18, 2001, 2) reasonable diligence was exercised in reducing to practice the inventions from prior to January 18, 2001 to January 31, 2001 and 3) the inventions of claims 1 and 8-12 were constructively reduced to practice in the United States on January 31, 2001, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is improper and should be withdrawn.

B. 35 U.S.C. § 103

1. Sato et al.

Claims 13, 14 and 18 were rejected under 35 U.S.C. § 103 as being obvious in view of

Sato et al. Applicants traverse the rejection. In particular, claims 13, 14 and 18 have been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 as mentioned above in Section A. The inventions of claims 13, 14 and 18 of the present application were constructively reduced to practice on January 31, 2001, the filing date of the ‘538 application. For reasons similar to those given above in Section A, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is improper and should be withdrawn.

2. Sato et al. and Hirosawa et al.

Claims 2-5 and 19-21 were rejected under 35 U.S.C. § 103 as being obvious in view of Sato et al. and Hirosawa et al. Applicants traverse the rejection. In particular, claims 2-5 and 19-21 have been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 as mentioned above in Section A. The inventions of claims 2-5 and 19-21 of the present application were constructively reduced to practice on January 31, 2001, the filing date of the ‘538 application. For reasons similar to those given above in Section A, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is improper and should be withdrawn.

3. Sato et al. and Gephardt

Claims 6 and 7 were rejected under 35 U.S.C. § 103 as being obvious in view of Sato et al. and Gephardt. Applicants traverse the rejection. In particular, claims 6 and 7 have been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 as mentioned above in Section A. The inventions of claims 6 and 7 of the present application were constructively reduced to practice on January 31, 2001, the filing date of the ‘538 application. For reasons similar to those given above in Section A, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is

improper and should be withdrawn.

4. Sato et al. and Sastry et al.

Claims 6 and 7 were rejected under 35 U.S.C. § 103 as being obvious in view of Sato et al. and Sastry et al. Applicants traverse the rejection. In particular, claims 6 and 7 have been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 as mentioned above in Section A. The inventions of claims 6 and 7 of the present application were constructively reduced to practice on January 31, 2001, the filing date of the ‘538 application. For reasons similar to those given above in Section A, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is improper and should be withdrawn.

5. Sato et al. and Pocrass

Claim 17 was rejected under 35 U.S.C. § 103 as being obvious in view of Sato et al. and Pocrass. Applicants traverse the rejection. In particular, claim 17 has been rejected based on the embodiment of FIG. 1 of Sato et al. That embodiment has an effective filing date of January 19, 2001 as mentioned above in Section A. The invention of claim 17 of the present application was constructively reduced to practice on January 31, 2001, the filing date of the ‘538 application. For reasons similar to those given above in Section A, Sato et al. does not qualify as a reference under 35 U.S.C. § 102(e) and so the rejection is improper and should be withdrawn.

6. Sato et al., Sastry et al. and Neimat et al.

Claim 23 was rejected under 35 U.S.C. § 103 as being obvious in view of Sato et al., Sastry et al. and Neimat et al. Applicants traverse the rejection. In particular, claim 23 recites storing a status code as a dummy transaction in a database and retrieving the status code and feeding the status code if “the database provides a logical data path of continuity for the status

code." The Office Action has conceded that Sato et al. and Sastry et al. each do not disclose the recited status code. The Office Action has relied on several figures and passages of Neimat et al. as solving the deficiencies of Sato et al. and Sastry et al. However, none of the figures or passages discloses a status code that is stored and is then fed if "the database provides a logical data path of continuity for the status code." Accordingly, Neimat et al. does not solve the deficiencies of Sato et al. and Sastry et al. and so the rejection is improper and should be withdrawn.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 1-23 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Applicants

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

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